

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BILLY JOVAN SAIZ,

Petitioner,

v.

BRIAN E. WILLIAMS, SR.,

Respondents.

Case No. 2:23-cv-01228-ART-BNW

ORDER

Petitioner Billy Jovan Saiz, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1.) However, Saiz failed to pay the standard \$5.00 filing fee or file an application for leave to proceed *in forma pauperis* (“IFP”). On August 9, 2023, this Court ordered Saiz to pay his filing fee or file an IFP application within 45 days. (ECF No. 4.) Saiz was warned that “failure to timely comply with this Order will result in the dismissal of this action without prejudice and without further advance notice.” (*Id.* at 2.) That 45-day deadline expired on September 23, 2023. Because Saiz did not pay his filing fee, submit an IFP application, request an extension of time, or take any other action to prosecute this case, this Court dismissed this action without prejudice on October 16, 2023. (ECF No. 6.) Judgment was entered accordingly. (ECF No. 7.) The following day, October 17, 2023, Saiz filed a motion for leave to proceed IFP. (ECF No. 8.)

Based on Saiz’s attempt to comply with this Court’s previous order, this Court reopen this case and vacates the dismissal order and judgment. However, because Saiz’s motion for leave to proceed IFP is incomplete, he must file a financial certificate signed by an authorized prison official and his inmate account statement before this Court will screen his petition. This Court notes that Saiz may be entitled to the appointment of counsel in this matter and advises

1 him to file a motion for appointment of counsel if desired.

2 It is therefore ordered that the Clerk of Court reopen this case, vacate the  
3 dismissal order (ECF No. 6), and vacate the judgment (ECF No. 7).

4 It is further ordered that Saiz has 45 days from the date of this order to file  
5 a financial certificate signed by an authorized prison official and his inmate  
6 account statement.

7 It is further ordered that the Clerk of the Court send Saiz a blank form IFP  
8 application for incarcerated litigants.

9 It is further ordered that failure to comply with this order will result in this  
10 action being dismissed again.

11 DATED THIS 18<sup>th</sup> day of October 2023.

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14 ANNE R. TRAUM  
15 UNITED STATES DISTRICT JUDGE  
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